



MINUTES

City Council Regular Meeting
October 5, 2021 - 7:00 PM

CALL TO ORDER

Mayor Rudy called the meeting to order at 7:02 p.m.

PLEDGE

ROLL CALL

Mayor:	Brian Rudy
Mayor Pro-Tem:	Mark Clark
Council:	Laura Speer
	Alicia Johnson
	Fred Neal
	Amanda Castle - ABSENT
	Tammy Mortenson

AUDIENCE PARTICIPATION

There was no audience participation.

APPROVAL OF AGENDA

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to approve the agenda as presented. The motion passed with all voting in favor thereof.

EXECUTIVE SESSION

1. To receive legal advice on specific questions related to an intergovernmental agreement with the Evans Fire Protection District and to give direction to negotiators in connection with that agreement, pursuant to C.R.S. Section 24-6-402(4)(b) and (e)

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to move into Executive Session at 7:03 p.m. to receive legal advice on specific questions related to an intergovernmental agreement with the Evans Fire Protection District and to give direction to negotiators in connection with that agreement, pursuant to C.R.S. Section 24-6-402(4)(b) and (e). The motion passed with all voting in favor thereof.

The meeting reconvened at 7:23 p.m.

Scott Krob noted for the record that the executive session that Council concluded was within the scope of the statute and that he was present for the duration of the discussion, so the discussion is subject to the attorney client privilege.

CONSENT AGENDA

2. Approval of the September 21, 2021 City Council Meeting Minutes

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to approve the consent agenda as presented. The motion passed with all voting in favor thereof.

NEW BUSINESS

3. Consideration of Amendment #1 to the Intergovernmental Agreement for the Transfer of Services Between the City of Evans and the Evans Fire Protection District Specifically Pertaining to the Process for Terminating the City's Annual Financial Contribution to the District

Mr. Becklenberg reviewed the item as detailed in the agenda packet. When the Evans Fire Protection District (EFPD) was created in 2011, the City and the EFPD entered into an Intergovernmental Agreement (IGA) for the Transfer of Emergency Services. Article IV of the agreement requires the City to make an annual contribution to the EFPD subject to certain EFPD budget conditions. The City's contribution is budgeted to be \$533,572 in 2021. The IGA allows for termination of the annual contribution based on an objective analysis of the EFPD's budget and most recent financial statements and determination that the district's revenues are "sufficient to support and sustain the EFPD's level of emergency services into the future and that the City's annual contribution is no longer needed in the best interests of the EFPD, the City, and the community..." The IGA further outlines the process for terminating the City's annual contribution should the City Council determine that the aforementioned conditions are met. To do so, the City must provide the EFPD at least 60 days' notice before taking action to permanently terminate the City's annual contribution. In order to limit future payments following termination per the IGA, final notice must be provided before December 31, 2021. The City engaged the EFPD in discussions about the EFPD's financial health and its ability to support its service levels without the City's contribution several months ago. These discussions have evolved into negotiation of a potential agreement that could replace the existing provisions of the IGA pertaining to the City's annual contribution. The City Council has expressed its preference for a negotiated agreement that better meets the needs of both organizations collaboratively to the option of terminating its annual contribution, pursuant to the terms of the IGA. To ensure enough time for the City and the EFPD to conclude its negotiations and potentially finalize an agreement to replace the annual contribution provision of the IGA, staff recommends approving an amendment to the IGA extending the timeline for final termination notice, for effective termination in 2020, to February 28, 2021.

Council Member Mortenson made the motion, seconded by Mayor Pro-Tem Clark to approve Amendment #1 to the IGA for the Transfer of Emergency Services between the City of Evans and the Evans Fire Protection District. The motion passed with all voting in favor thereof.

Mr. Becklenberg advised Council that a letter dated September 28, 2021 has been submitted to the City from the Evans Fire Protection District, which is the latest response to an offer that the City had

made for the next amendment to the current IGA. A copy of the letter is located on the Diaz for Council's consideration. The letter contains specific terms as to how the City would continue to support the Fire Protection District annually at a similar level in 2022 and at a lower level in future years.

Scott Krob added that the letter is not just their response, but their proposal on how this matter is to be resolved. It allows for payments over a period of five years and concludes in 2026.

Council Member Speer noted that the letter was sent from the Evans Fire Protection District to the Evans City Council and is signed by the current Fire Chief.

Mayor Pro-Tem Clark made the motion, seconded by Council Member Speer to accept the proposal of the Evans Fire Protection District as set forth in the letter dated September 28, 2021 from the District's Fire Chief. The motion passed with all voting in favor thereof.

4. Consideration of Resolution Number 25-2021 to Oppose the Greeley Ballot Measures 17-9 and 17-10 Regarding New Procedures for Water Acquisition and for Provision and Sale of Water and Treatment Facilities

Mr. Becklenberg reviewed the item as detailed in the agenda packet. At the City of Greeley municipal election on November 2, 2021 voters will be presented with two ballot measures. These ballot measures require the City of Greeley to hold special elections for water management decisions and provide additional engineering studies to the public. Should these ballot measures pass, Greeley would be the only city in the State of Colorado to have such regulations on water management decisions. If the City of Greeley faces higher costs of water provision due to these new regulations, they may have to increase the rate of water charged to their water treatment customers. This includes not only water customers in the City of Greeley, but City of Evans water customers as well. Staff has prepared the attached resolution against the ballot measures for City Council's consideration if Council determines that it is in the interest of the City of Evans, as a customer of Greeley Water, to oppose the two ballot measures.

Mayor Pro-Tem Clark is in favor of the Resolution. If he were a Greeley resident, he would definitely vote against the ballot measures. He believes the ballot measures harm the City of Greeley and how they conduct their business regarding water rights, and if passed, it would harm the City of Evans.

Mr. Becklenberg added that the staff report and the proposed Resolution included in the packet had incorrect Ballot Measure numbers. Instead of Ballot Measures 17-9 and 17-10, the correct assigned Ballot Measure numbers are 2G and 2H. A corrected proposed Resolution has been placed on the Diaz for Council.

Council Member Johnson asked if the Terry Ranch project would have any financial impact if the ballot measures were passed. Staff responded that it would not.

Mayor Rudy fully supports the proposed Resolution and he encourages the voters in Greeley to vote "no" on both measures. If passed, it would change the way municipalities govern and it would change water rates for everyone in this area, including the residents in Evans. He is in favor of the Resolution.

Mayor Pro-Tem Clark made the motion, seconded by Council Member Mortenson to adopt Resolution Number 25-2021 in opposition to City of Greeley ballot questions 2G and 2H regarding new procedures for water acquisition and for provision and sale of water and treatment facilities as amended. The motion passed with all voting in favor thereof.

REPORTS

5. City Manager

Mr. Becklenberg did not have a report.

6. City Attorney

Scott Krob, City Attorney, did not have a report.

AUDIENCE PARTICIPATION (general comments)

Steven Grant thanked Council for their actions on the Fire District IGA and their opposition to the Greeley Ballot Measures.

ADJOURNMENT

The meeting was adjourned at 7:36 p.m.


City Clerk



CITY OF EVANS – MISSION STATEMENT

“To deliver sustainable, citizen-driven services for the health, safety, and welfare of the community.”

It is the policy of the City of Evans that all programs and activities shall be accessible to, and usable by, persons with disabilities. Persons needing assistance shall contact the Safety & Risk Management Manager at the City of Evans. Please provide three to five business day's advance notice so we can adequately meet your needs.